

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 4/15/19

MEI CHUN POON,

Plaintiff,

v.

APPLE NYC CORP., et al.,

Defendants.

No. 17-CV-9647 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Mei Chun Poon filed this action on November 29, 2017 against her former employers, Apple NYC Corp., d/b/a Apply NYC Day Spa, Touch of East Nails Spa Inc., and Wen Chen, alleging that defendants violated the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”). Defendants failed to answer or otherwise respond to the complaint, and the Court granted Plaintiff’s motion for default judgment and referred the case to Magistrate Judge Gorenstein for an inquest into damages. Before the Court is Judge Gorenstein’s thorough and well-reasoned Report and Recommendation (the “Report”), dated January 2, 2019, to which no objections were made.


Having reviewed the Report for clear error, *see Galeana v. Lemongrass on Broadway Corp.*, 120 F. Supp. 3d 306, 310 (S.D.N.Y. 2014) (“When the parties make no objections to the Report, the Court may adopt the Report if there is no clear error on the face of the record.” (internal citation omitted)), the Court hereby adopts it in its entirety. Accordingly, Plaintiff is awarded (1) \$26,243.77 in unpaid wages; (2) \$8,379.75 in spread-of-hour payments; (3) \$34,623.52 in liquidated damages; (4) \$5,000 for failure to provide wage statements; (5) \$5,000 for failure to provide required notices; (6) \$5,910.00 in attorneys’ fees; and (7) \$819.53 in costs, for a total judgment in the amount of \$85,976.57. Plaintiff is also entitled to \$8.54 per day in prejudgment

interest from September 15, 2014, until the date judgment is entered. The parties' failure to file written objections, after Judge Gorenstein warned that such failure would result in a waiver of objections for the purposes of appeal, precludes appellate review. *See Caidor v. Onondaga Cty.*, 517 F.3d 601 (2d Cir. 2008).

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: April 15, 2019
New York, New York



Ronnie Abrams
United States District Judge